UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,157	05/18/2000	Cary Lee Bates	ROC920000066	6988

46797	7590	11/02/2006

IBM CORPORATION, INTELLECTUAL PROPERTY LAW
DEPT 917, BLDG. 006-1
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER
HUYNH, BA

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

MAILED

NOV 0 1 2006

Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/574,157
Filing Date: May 18, 2000
Appellant(s): BATES ET AL.

Gero G. McClellan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/14/2006 appealing from the Office action mailed
4/13/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,799,292   Hekmatpour   8-1998

(9) Grounds of Rejection

The following ground(s) of rejection (as set forth in the Final Office action) are applicable to the appealed claims:

Claims 5-9, 11, 21-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over by

US patent #5,799,292 (Hekmatpour).

- As for claims 5, 21: Hekmatpour teaches a computer implemented method and

   corresponding system for rendering hypermedia documents to be displayed on a

   networked client display device, customized to the user on the basis of prior user

   interaction with the hypermedia documents (see the abstract). Per Hekmatpour, the

   hypermedia documents can be web pages (10:40-45). Thus it would have been

   obvious to one of skill in the art, at the time the invention was made, to implement

   Hekmatpour's teaching in web pages presentation as suggested. In light of the

   combining, Hekmatpour discloses the steps/means for:

   for each of a plurality of web pages having different network addresses:

   receiving user request to view the web page (inherently included),

   in response to user request, retrieving the web page according to a respective network

   address (fig 3a), evaluating a user profile of navigation history (data structure) to

   determine if there is a user interaction entry relating to the web page, the entry

   includes a user interactive field, if the there is a user interaction entry, determining if

   the entry field exists on the web page (2:61 – 3:11; 7:49-53),

   rendering the web page on the display according to a logical display order specified in

   a logical page, so that the entry field viewable on the display and positioning a

   portion of the page outside the viewable area, thereby eliminating from having to

   reposition the page to bring the user interaction field into viewable area (7:28-32, 49-

   53; 8:35 – 9:9). Note that a web page is a lengthy we document that is only a portion

of the page is visible in the browser window, thus the rendering is caused by automatically scrolling the portion onto the display screen. A scroll bar is displayed on the side of the web page allowing the user to scroll up and down the page (figs 3-6).

- As for claims 6: The user interaction field is removed from current location and moved to a top portion of the view area (7:28-32; 8:41-55).

- As for claim 7: The user profile of navigation history includes a plurality of user interaction fields (8:41-55). Other interaction fields can be moved to viewable area on the display screen in the same manner. Figures 6a-c disclose the rearranging of user interactive field based on frequency and recency of interaction, wherein a second interactive field is moved to the top of the display.

- As for claim 8: Each user interacted object is associated with a count, the count associated with the second interacted object greater than the first (7:33-58; 8:41-52).

- As for claim 9: If the count are equal for both entries, then a time value can be used. Object selected most recently (i.e., greater time value) is given more weight (8:51-55).

- As for claim 11: Hekmatpour teaches a computer implemented method and corresponding system for rendering hypermedia documents to be displayed on a networked client display device, customized to the user on the basis of prior user interaction with the hypermedia documents (see the abstract). Per Hekmatpour, the hypermedia documents can be web pages (10:40-45). Thus it would have been obvious to one of skill in the art, at the time the invention was made, to implement

Hekmatpour's teaching in web pages presentation as suggested. In light of the

combining, Hekmatpour discloses the steps/means for:

for each of a plurality of web pages having different network addresses:

receiving user request to view the web page (inherently included),

in response to user request, retrieving the web page according to a respective network

address (fig 3a), evaluating a user profile of navigation history (data structure) to

determine if there is a user interaction entry relating to the web page, the entry

includes a user interactive field, if the there is a user interaction entry, determining if

the entry field exists on the web page (2:61 – 3:11; 7:49-53),

rendering the web page on the display according to a logical display order specified in

a logical page, so that the entry field viewable on the display and positioning a

portion of the page outside the viewable area, thereby eliminating from having to

reposition the page to bring the user interaction field into viewable area (7:28-32, 49-

53; 8:35 – 9:9). Note that a web page is a lengthy we document that is only a portion

of the page is visible in the browser window, thus the rendering is caused by

automatically scrolling the portion onto the display screen. A scroll bar is displayed

on the side of the web page allowing the user to scroll up and down the page (figs 3-

6). The user profile of navigation history includes a plurality of user interaction fields

(8:41-55). Other interaction fields can be moved to viewable area on the display

screen in the same manner. Figures 6a-c disclose the rearranging of user interactive

field based on frequency and recency of interaction, wherein a second interactive

field is moved to the top of the display. The moving is done by repositioning the web

page relative to the display screen.

- As for claims 22, 23: Since user's interest web objects are displayed according a

display order, the determination of whether an object is not positioned in the viewable

area as a default arrangement is inherently included in the teaching of Display Order

calculation (8:38-40).

- As for claim 23: All of the user interactive fields can be displayed in the viewable

area (8:41-55; 9:15-43).

- As for claim 24: The user interaction entry can be a table entry, a link, a data entered

interaction entry, or a scrolling entry (see descriptions of figures 6-9).

- As for claim 25: Hekmatpour fails to clearly teach that the data structure includes

the time spent displaying the electronic document element on the display during prior

user interaction with the electronic document. However Official notice is taken that

implementation of measuring the time spends at a display object as an indication of

user preference is well known in the art of web information display (see US patent

#6,487,541, 1:40-62, and US patent #6,412,012, 2:35-46). It would have been

obvious to one of skill in the art, at the time the invention was made, to combine the

well known implementation of measuring the time spend at a display object as an

indication of user preference to Hekmatpour's user profile data structure. Motivation

of the combining is for the advantage of enhancing the prediction of user preference.

- As for claim 26: Hekmatpour teaches a computer implemented method and

corresponding system for rendering hypermedia documents to be displayed on a

networked client display device, customized to the user on the basis of prior user

interaction with the hypermedia documents (see the abstract). Per Hekmatpour, the

hypermedia documents can be web pages (10:40-45). Thus it would have been

obvious to one of skill in the art, at the time the invention was made, to implement

Hekmatpour's teaching in web pages presentation as suggested. In light of the

combining, Hekmatpour discloses the steps/means for:

for each of a plurality of web pages having different network addresses:

receiving user request to view the web page (inherently included),

in response to user request, retrieving the web page according to a respective network

address (fig 3a), evaluating a user profile of navigation history (data structure) to

determine if there is a user interaction entry relating to the web page, the entry

includes a user interactive field, if the there is a user interaction entry, determining if

the entry field exists on the web page (2:61 – 3:11; 7:49-53),

rendering the web page on the display according to a logical display order specified in

a logical page, so that the entry field viewable on the display and positioning a

portion of the page outside the viewable area, thereby eliminating from having to

reposition the page to bring the user interaction field into viewable area (7:28-32, 49-

53; 8:35 – 9:9). Note that a web page is a lengthy we document that is only a portion

of the page is visible in the browser window, thus the rendering is caused by

automatically scrolling the portion onto the display screen. A scroll bar is displayed

on the side of the web page allowing the user to scroll up and down the page (figs 3-

6).

- As for claims 27, 28, 29: The page is rendered by rearranging the layout of the page, wherein at least one element of the page is positioned at the top of the page (7:28-32; 8:41-55).

- As for claims 30, 31: Scroll bars are provided allowing the user to scroll the page (see the drawings).

(10) Response to Argument

The Hekmatpour reference: Hekmatpour discloses a computer-implemented method for rendering multiple of hypermedia objects to be displayed on a client device (2:21-26). The method comprises the steps of acquiring a history of user interaction with the hypermedia objects, adjusting the display order of the hypermedia objects according to frequency of use. The most frequently used object is automatically scrolled to be displayed at the most accessible (top) location on the display window (2:27-35, 7:8-19), thus reduce the number of object scroll and mouse clicks performed by the user (10:13-39). Hekmatpour expressly suggests that the method is applicable to many hypermedia environments, such as World Wide Web browsers (10:40-45). Thus it would have been obvious to one of skill in the art, at the time the invention was made, to implement Hekmatpour's teaching in a web browsing hypermedia environment, wherein the hypermedia objects disclosed by Hekmatpour are web objects.

The applicants argue that there is no suggestion to implement Hekmatpour in a web environment. In response to applicant's argument that there is no suggestion to implement Hekmatpour teaching in a web environment, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hekmatpour expressly suggests that his hypermedia objects rearranging method is applicable to many other hypermedia environments as well, including web browsing (10:40-45). One skill in the art, upon reading Hekmatpour suggestion, would be readily to understand that the hypermedia objects disclosed by Hekmatpour could be objects in a web page.

The appellants further argue that Hekmatpour does not teach the "automatically scrolling" as recited in the claim. During patent examination it is appropriate to compare the meaning of terms given in technical dictionaries in order to ascertain the accepted meaning of a term in the art. In re Barr, 444 F. 2d 588, 170 USPQ 330 (CCPA 1971). The term "scroll" is commonly defined as to <u>move</u> a document or other data in a window in order to view a particular portion of the document (Microsoft Press Computer Dictionary, 3rd edition, copyright 1997). The pending claims must be given their broadest interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027-28 (ed. Cir. 1997). The appellants argue that scrolling is a well known as "the act of sliding a horizontal or vertical presentation of content, such as text, drawings, or images, across a screen or display window". The appellants argue that the limitation "automatically scrolling", i.e., "the act of automatically sliding a horizontal or vertical presentation of content, such as text, drawings, or images, across a screen or display window" is disclosed in page 13, lines 3-30, in page 15, lines 26-34, and in figures 6a-c of the appellants' specification (See the Brief's pages 7 and 8, Summary of the Invention). This definition of scrolling cannot be found anywhere in the appellants' spec. A careful

review of the appellants' specification, page 13, line 29 merely discloses the re-positioning, i.e.,

moving, of the displayed page based on acquired user interaction information. Similarly, in page

15, line 24-36, the appellants merely disclose the re-arranging of rows in a table. More

importantly and in contrast to appellants' argument, figures 6a-c merely disclose the re-

arranging, not scrolling, of rows in a table.   Evidences of the re-arranging can be seen clearly in

figure 6b wherein the IBM and SUNW are moved to the bottom rows and be next to each other

(if it is scrolling, the IBM and SUNW would not be shown in the position as seen in figure 6b).

Claims must be given their broadest interpretation and consistent with the specification. In re

Hyatt, 211 F. 3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Since scrolling as sliding

of displayed information is not supported by the appellants' spec, and since the appellants' spec

merely discloses the re-arranging of displayed information, the appellants' limiting of the term

"scrolling" to sliding a horizontal or vertical presentation of content is inappropriate. Thus the

limitation "scrolling" in light of the appellants' disclosure was properly interpreted as moving a

document or other data in a window in order to view a particular portion of the document.

Similar to the appellants' disclosure of figures 6a-c, Hekmatpour teaches retrieving a hypermedia

document, which can be a web page in light of Hekmatpour suggestion, evaluating a user profile

of navigation history (data structure) to determine if there is a user interaction entry relating to

the web page, the entry includes a user interactive field, if the there is a user interaction entry, ᵏᵏ

determining if the entry field exists on the web page (2:61 – 3:11; 7:49-53), rendering the web

page on the display so that the entry field viewable on the display and positioning a portion of

the page outside the viewable area, thereby eliminating from having to reposition the page to

bring the user interaction field into viewable area (7:28-32, 49-53; 8:35 – 9:9). The rendering is

caused by automatically scrolling the portion onto the display screen. A scroll bar is displayed on

the side of the web page allowing the user to scroll up and down the page (figs 3-6). The user

profile of navigation history includes a plurality of user interaction fields (8:41-55). Other

interaction fields can be moved to viewable area on the display screen in the same manner.

Hekmatpour's figures 6a-c disclose the rearranging of user interactive field based on frequency

and recency of interaction, wherein a second interactive field is moved to the top of the display.

The appellants further argue that the examiner's interpretation of the term

scrolling is contrary to the meaning of the term used in Hekmatpour, pointing to Hekmatpour's

col. 7, lines 31-33, col. 10, lines 13-16, and col. 10, lines 30-31. The argument appears

misplaced, since the appellants is pointing to a specific method of line-by-line scrolling disclosed

in one specific embodiment of Hekmatpour. The broad term "scrolling" does not specify how a

scrolling operation is to be performed, much less page-by-page or line-by-line scrolling. Further,

within the context of Hekmatpour, hypermedia objects are automatically scrolled (moved

forward onto the display screen) to reduce user line-by-line scrolling.

The appellants further argue that the appellants' scrolling is a programmatic

function of rendering a document, not a user function. The appellants' interpretation that

Hekmatpour's teaching of automatic scrolling (moving forward onto the display screen) of

hypermedia objects are user function is incorrect. In Hekmatpour, hypermedia objects are

automatically moved forward onto the display screen per programmed functions based on user

history of interactions (7:28-32, 49-53; 8:35 – 9:9).

The appellants further argue that Hekmatpour does not teach scrolling the web

page upward (emphasis added) to bring the portion of the page previously positioned outside the

viewable area into the viewable area.   The appellants take the position that once an object is

already display^ed at the top of the page then the page cannot be scrolled further up. The

appellants' interpretation of scrolling the web page upward is incorrect. In vertical line-by-line

scrolling operation, when a "down" key or arrow is selected the displayed document or web page

is scrolled upward to reveal more information below the current display screen. Conversely,

when an "up" key or arrow is selected, the displayed document or web page is scrolled

downward to reveal more information above the current display screen. Thus once a displayed

document reaches the top line it can not be scrolled downward to reveal any information above

the top line because there is no more information to be displayed and there is no more space for

scrolling, however the page can certainly be scrolled upward to reveal more information below

the current display screen. Hekmatpour discloses in figures 6a-c a scroll bar for user to scroll up

and down a displayed page.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

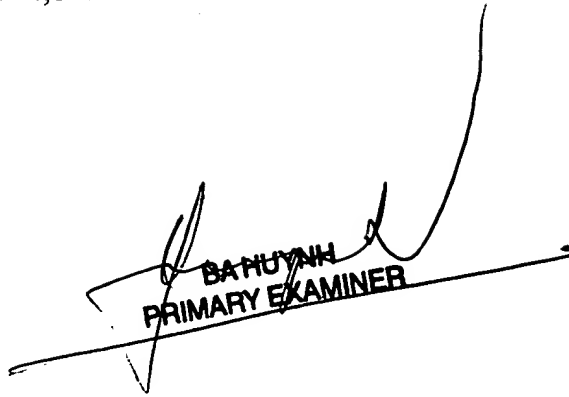For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ba Huynh

Primary Examiner

AU 2179

**BA HUYNH
PRIMARY EXAMINER**

Conferees:

Weilun Lo

Supervisory patent Examiner

AU 2179

**STEPHEN HONG
SUPERVISORY PATENT EXAMINER**

Kristine Kincaid

Supervisory Patent Examiner

AU 2174

**KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100**